

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the)	
)	DOCKET TV-050537
)	
PENALTY ASSESSMENT AGAINST)	ORDER 05
ALL MY SONS MOVING &)	
STORAGE OF SEATTLE, INC.)	GRANTING STAY
.....)	

MEMORANDUM

- 1 In an Initial Order entered on July 10, 2006, Administrative Law Judge Karen Caillé recommended that the Washington Utilities and Transportation Commission (Commission) approve a proposed Settlement Agreement between All My Sons Moving & Storage of Seattle, Inc. (All My Sons), and Commission regulatory staff (Staff) in full resolution of the issues in this proceeding.¹ On informal review of the Settlement Agreement’s terms, the Commission found one provision unexplained and unsupported by any information in the record. Specifically, paragraph 6 of the Settlement Agreement appeared to be a safe-harbor provision related to possible violations by All My Sons, outside the period for which penalties were assessed and, hence, beyond the scope of this proceeding.

- 2 The Commission, on formal review, reopened the record and received additional evidence concerning the potential effect of paragraph 6.

- 3 The Commission entered its Order on Review, Order 03, on September 14, 2006. The Commission found the safe-harbor provision unacceptable in the context of this proceeding because the subject matter it would protect from scrutiny was not

¹ In formal proceedings before the Commission, the Commission’s regulatory staff appears as an independent party with the same privileges, rights, and responsibilities as any other party in the proceeding. Staff operates independently from the three-member Commission, who collectively decide the merits of each case. *RCW 34.05.455, WAC 480-07-340.*

in dispute and was not sufficiently identified. The Commission nevertheless approved and adopted the parties' Settlement Agreement subject to the condition that paragraph 6 of the Settlement Agreement is null and void.

4 On September 21, 2006, All My Sons filed its Petition for Reconsideration. All My Sons requested the Commission to reconsider Order 03 and approve the Settlement Agreement without condition.

5 On October 11, 2006, the Commission entered Order 04, denying reconsideration. However, Order 04 states that the parties could, if they wished, reopen negotiations to discuss whether the safe-harbor provision might be replaced with a more narrowly drawn term that identifies specific violations outside the penalty assessment period that Staff will agree not to pursue.

6 The parties filed on October 20, 2006, a joint Request for Brief Stay, until December 1, 2006. The motion states that the parties wish to undertake negotiations with the goal of replacing the safe-harbor provision, paragraph six of the Settlement Agreement, "in keeping with the guidelines articulated in Order 04."

7 The Commission determines that good cause exists to grant the stay, as requested.

ORDER

8 THE COMMISSION ORDERS That Orders 03 and 04 are stayed until December 1, 2006.

DATED at Olympia, Washington, and effective October 25, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge